

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date: *6-15-70*

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>Daisy Moore,</p> <p>vs.</p> <p>Safeway Stores, Inc., a Corporation, of Sapulpa, Oklahoma, and Ed Tatum, Manager of said store</p>	<p>For plaintiff:</p> <p>John W. Young and L. G. Hawkins P. O. Box 1392 Sapulpa, Okla. 74066</p> <p><i>P.O. Box 1143 8545 Sapulpa 74066</i></p>

<p>For defendant:</p> <p><i>Thomas R.</i> Hudson, Wheaton & Brett 810 Franklin Building Tulsa, Oklahoma</p> <p><i>582 5146 4th Natl. Bldg.</i></p>
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STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>3-1-70</i> <i>8-1-72</i>	Clerk	2-10-70	Hudson	15 00	
		2-12-70	C/D 35		15 00
J.S. 6 mailed <i>6-1-71</i> <i>7-1-73</i>	Marshal	<i>7-2</i> 7-8-71	C. D. No. 3	<i>5 00</i>	5 00
Basis of Action: Fall on incline of deft's store	Docket fee				
	Witness fees				
Action arose at: Sapulpa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-10-70	Petition for removal from the District Court of Creek County, Oklahoma, Sapulpa Division, filed.	
2-10-70	Bond on removal from the District Court of Creek County, filed - surety - The Travelers Indemnity Company. b	
2-10-70	Notice of Removal, filed. b	
2-10-70	Proof of filing, filed. b	
2-10-70	Separate answer of defendant, Safeway Stores, Inc., filed. b	
2-10-70	Motion to dismiss of defendant, Ed Tatum, filed. b	
2-10-70	Brief in support of petition for removal and in support of motion to dismiss as to Ed Tatum, filed.	
3-2-70	Plaintiff's motion to dismiss defendants' petition for removal, filed.	
3-2-70	Brief in support of motion to dismiss defendants' petition for removal, filed. b	
4-10-70	Hearing held on various motions. Motion to dismiss of deft. Ed Tatum is sustained; pltf's motion to dismiss defts' petition for removal overruled and deft. to prepare order on both motions. (LB-J)m	
4-17-70	Order that motion to dismiss of deft. Ed Tatum is sustained and that pltf's motion to remand is overruled, filed. (LB-J)m (copies mailed)	
6-4-70	Case set for pre-trial Monday, June 15, 1970, at 1:30 P.M. (LB-J) v	
6-15-70	Pre-trial hearing held. Pre-trial order to be filed within 10 days and case to be set for jury trial in Sept. or October. (LB-J)m	
7-9-70	Pretrial order, filed. (LB-J)m (copies mailed)	
9-4-70	Case set for jury trial 10-27-70 at 9:30 a.m. (LB-J)m	
10-7-70	Deposition of Daisy Morre taken by Harvey W. Stephens, CSR. filed. \$60.00 pd by defendant. ds	
10-7-70	Deposition of Shirley Jones and Ed Tatum taken by Harvey W. Stephens, CSR., filed. \$38.00 pd by plaintiff. ds	
10-27-70	Case tried to a jury. Court declares mistrial. Jury excused. (LB-J)m	
10-27-70	Plaintiff's receipt for exhibits, filed. m	
10-27-70	Defendant's receipt for exhibits, filed. m	
10-27-70	Note from foreman of jury, filed in open court. m	
10-27-70	Depositions of Mary Jane Rea and William B. Rea, filed. (Fee pd. by pltf. \$40.00)m	
1-11-71	Case set for jury trial 2-16-71 at 9:30 a.m. (LB-J)m	
2-8-71	Case passed from jury assignment of 2-16-71, to be set on next jury docket. (LB-J)m	
4-16-71	Case set for jury trial Tuesday 5-11-71 at 9:30 a.m. (LB-J)m	
5-11-71	Subpoenae, returned & filed: served Virginia Lane, Marion Fae Hanna and Dr. Phillip Joseph at Sapulpa, Ok. 5-10-71. (USM \$ 25.32)g	
5-11-71	Case called for jury trial. Upon plaintiff resting, defendant moves the Court for dismissal and motion is sustained. Jury excused. Defendant counsel to prepare order. (LB-J)m	
5-11-71	Trial exhibits filed in exhibit room. m (Pltf's #1&2)	
5-20-71	Order, filed and entered, granting defendant judgment against the plaintiff, with costs to the plaintiff. (LB-J) g <i>Copies mailed</i>	
5-21-71	Pltf's motion for new trial, filed. m	
5-21-71	Brief in support of motion for new trial, filed. m	
6-10-71	Case called for hearing on pltf's motion for new trial. Deft. to file answer brief within 5 days & pltf. 5 days thereafter to file answer brief. Court will then enter an order without further hearing. (LB-J)m	
6-15-71	Brief in answer to pltf's brief in support of her motion for new trial, filed. m	
6-21-71	Reply to deft's brief in answer to pltf's brief in support of her motion for new trial, filed. m	
6-24-71	Order denying motion for new trial, filed and entered. (LB-J)m (copies mailed)	

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
7-2-71	Notice of appeal by plaintiff, filed. Cpy to USCA & Tom Brett	
7-2-71	Designation of record, filed. g	
7-29-71	Appeal bond - Aetna Casualty & Surety Co., filed. g	
8-4-71	Order of USCA extending time to docket appeal to 9-1-71, filed. g	
8-31-71	Order extending time to docket appeal to 9-30-71, filed. (LB-J)g (cpy to USCA, Hawkins & Brett)	
9-22-71	Transcript of trial proceedings of 5-11-71, filed. (orig. & file cpy)g	
9-29-71	Appeal record sent to USCA. (3 cpies of transcript) 2 vols.g	
7-7-72	Mandate & Opinion of USCA reversing judgment of 5-11-71 and remanding cause for a new trial, filed & spread of record. g	
12-6-72	Case set for jury trial 1-15-73 at 9:30 a.m. (LB-J)hm	
1-11-73	Appl. for issuance of subpoena to witness under Rule 45(e), filed. ^{- over 100 miles from Tulsa.}	v
1-12-73	Order, filed, that a subpoena be issued to John Paul Pendergast. ^{order to Judge} (LB-J by MLB-Mag)hm (copies mailed)	
1-15-73	Case called for jury trial. Pltf's motion for continuance filed in open court; motion granted because of pltf's illness, and case passed to next jury docket. (LB-J)hm	
1-17-73	Marshal's return on service of subpoenas, filed. Served Viola Jackson in Mounds on 1/12/73; served Virginia Lane in Sapulpa on 1/16/73; served Sam Christian in Mounds on 1/12/73; served Faye Hanna in Sapulpa on 1/14/73; served Dr. Phillip Joseph in Sapulpa on 1/12/73; served John Paul Pendergast on 1/12/73. (USM \$21.76) rm	
3-8-73	Case set for jury trial Monday 4-23-73 at 9:30 a.m. (LB-J)hm	
3-9-73	Pltf's second amended motion to remand cause to Dist. Court of Creek County, Oklahoma, filed. hm ^{copy to LB}	
3-9-73	Brief in support of motion to remand cause to Dist. Court of Creek County, Oklahoma, filed. hm	
3-16-73	Ans. Brief to Pltf.'s Second Mot. to Remand to the District Court of Creek Co., Okla., filed. v ^{to LB}	
3-26-73	Case called for hearing on pltf's second amended motion to remand cause to Dist. Court of Creek County. Pltf. counsel not present; deft. rep. by Thomas R. Brett. Motion denied and deft. counsel to prepare order. (LB-J)hm	
4-17-73	Motion to reconsider amended motion to remand, filed. hm ^{to Judge}	
4-17-73	Response to Plt's Mtn to reconsider Amended Mtn to Remand, filed. jj	
4-23-73	Case called for Jury Trial. Pltf not rep; deft rep. Pltf's Motion to Remand was Granted, and directing that case go back to Dist. Court in Creek County. (LB-J)r	
4-25-73	Amendment to affidavit by pltf., as directed by Court, filed. rm	
4-27-73	Motion of the Deft. to condition the remand, filed. v	
4-27-73	Brief in support, filed. v	

Over

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-17-73	Reply to defendant's motion to condition remand, filed. ds	
5-24-73	Case called for Hearing of deft's Motion to condition the Remand. Parties rep. The Motion is overruled and court directs that attys bear their own costs. (LB-J)r	
6-7-73	Order, filed & entered, that this cause is remanded to Dist. Court of Creek County, Oklahoma, Bristow Division, and both parties are liable for costs incurred by them in this lawsuit, filed & entered. (LB-J)r (Copies mailed to attys and ccc. to Bristow Div.)	